

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RACHID NAIM,

Plaintiff

v.

CASE NO. 3:11cv168-REP

SAMUEL I. WHITE, P.C.,

Defendant.

MICHAEL A. FOLEY AND TERESA R. FOLEY,

Plaintiff

v.

CASE NO. 3:11-cv-698-REP

SAMUEL I. WHITE, P.C.,

Defendant.

JAN D. FELTON,

Plaintiff

v.

CASE NO. 3:11-cv-556-REP

SAMUEL I. WHITE, P.C.,

Defendant.

TINA P. SOLOMON,

Plaintiff

v.

CASE NO. 3:11-cv-628-REP

SAMUEL I. WHITE, P.C.,

Defendant.

KEITH P. CECIL AND TAMMY L. CECIL,

Plaintiff

v.

CASE NO. 3:11-cv-528-REP

SAMUEL I. WHITE, P.C.,

Defendant.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

JULIA DES OGUGUA,

Plaintiff

v.

CASE NO. 2:11-cv-419-RAJ

SAMUEL I. WHITE, P.C.,

Defendant.

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF
CONSENT MOTION TO CONSOLIDATE**

Plaintiffs, with the consent of the Defendant, have moved the court under Federal Rules of Civil Procedure 42(a) that the above-styled cases be consolidated for the purposes of pre-trial management, including discovery and mediation sought by all parties. The Plaintiffs each state the same or a similar cause of action against Samuel I. White P.C. All parties desire that the cases should proceed to mediation in an attempt to resolve these similar cases in a consistent and efficient manner.

Under Fed. R. Civ. P. 42(a)(2), a court may order consolidation of cases where they involve a common question of law or fact. In addition to consolidation, it is within the court's discretion to join for a hearing or trial any or all the matters at issue or to issue any other order to avoid unnecessary cost or delay. Fed. R. Civ. P. 42(a)(1)&(3). In order to determine whether consolidation is proper, the court determines whether "the specific risk of prejudice and possible confusion [resulting from consolidation are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned." *Arnold v. Eastern Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982); accord *In re Microstrategy Inc. Sec. Litig.*, 110 F.Supp.2d 427, 431 (E.D.Va. 2000). The parties acknowledge that there is no legal prejudice that would result from the orderly management of these cases if consolidated.

In each one of these cases against Samuel I. White, P.C., the Plaintiffs allege that in the course of attempting to foreclose on homeowners, the Defendant violated certain provisions of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692e, 1692f and 1692g. The only significant differences among the cases are that the plaintiffs may have different actual damages. The parties agree that despite this potential difference in damages, consolidation is proper for the limited purpose of conducting discovery and other pretrial matters, but most importantly for the purpose of engaging in mediation. Consolidation would serve the purpose of avoiding inconsistent outcomes, conserving judicial resources, and avoiding unnecessary costs and potential delay. All but one case is currently assigned to the Hon. Robert E. Payne in the Richmond Division. One case, *Des Ogugua v. Samuel I. White, P.C.*, is assigned to the Hon. Raymond A. Jackson in the Newport News Division.

It is for these reasons that the Plaintiff respectfully moves the court, with the consent of the Defendant, to consolidate these cases and enter a joint scheduling order that will provide for the orderly management of all the cases and permit the earliest opportunity to engage in a comprehensive mediation process.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that on November 29, 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing (NEF) to the following:

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